

[First Reprint]

SENATE, No. 160

STATE OF NEW JERSEY

210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator RICHARD H. BAGGER

District 21 (Essex, Morris, Somerset and Union)

Assemblyman GARY L. GUEAR, SR.

District 14 (Mercer and Middlesex)

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District 14 (Mercer and Middlesex)

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Senators Cafiero, Palaia, Matheussen, Allen, Assemblymen Eagler, Dancer, Fisher, Gusciora, Assemblywoman Heck, Assemblymen S.Kean, Munoz, Sarlo and R.Smith

SYNOPSIS

Disqualifies juvenile delinquents whose offenses involve use or possession of a weapon, explosive or destructive device from obtaining either a firearms purchaser identification card or a permit to purchase a handgun.

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee on January 9, 2003, with amendments.

(Sponsorship Updated As Of: 2/25/2003)

1 AN ACT concerning permits to purchase handguns and firearms
2 purchaser identification cards in certain cases and amending
3 N.J.S.2C:58-3.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. N.J.S.2C:58-3 is amended to read as follows:
9 2C:58-3. Purchase of Firearms.

10 a. Permit to purchase a handgun. No person shall sell, give,
11 transfer, assign or otherwise dispose of, nor receive, purchase, or
12 otherwise acquire a handgun unless the purchaser, assignee, donee,
13 receiver or holder is licensed as a dealer under this chapter or has first
14 secured a permit to purchase a handgun as provided by this section.

15 b. Firearms purchaser identification card. No person shall sell,
16 give, transfer, assign or otherwise dispose of nor receive, purchase or
17 otherwise acquire an antique cannon or a rifle or shotgun, other than
18 an antique rifle or shotgun, unless the purchaser, assignee, donee,
19 receiver or holder is licensed as a dealer under this chapter or
20 possesses a valid firearms purchaser identification card, and first
21 exhibits said card to the seller, donor, transferor or assignor, and
22 unless the purchaser, assignee, donee, receiver or holder signs a
23 written certification, on a form prescribed by the superintendent,
24 which shall indicate that he presently complies with the requirements
25 of subsection c. of this section and shall contain his name, address and
26 firearms purchaser identification card number or dealer's registration
27 number. The said certification shall be retained by the seller, as
28 provided in section 2C:58-2a., or, in the case of a person who is not
29 a dealer, it may be filed with the chief of police of the municipality in
30 which he resides or with the superintendent.

31 c. Who may obtain. No person of good character and good repute
32 in the community in which he lives, and who is not subject to any of
33 the disabilities set forth in this section or other sections of this chapter,
34 shall be denied a permit to purchase a handgun or a firearms purchaser
35 identification card, except as hereinafter set forth. No handgun
36 purchase permit or firearms purchaser identification card shall be
37 issued:

38 (1) To any person who has been convicted of a crime, whether or
39 not armed with or possessing a weapon at the time of such offense;

40 (2) To any drug dependent person as defined in section 2 of
41 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
42 mental disorder to a hospital, mental institution or sanitarium, or to

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted January 9, 2003.

1 any person who is presently an habitual drunkard;

2 (3) To any person who suffers from a physical defect or disease
3 which would make it unsafe for him to handle firearms, to any person
4 who has ever been confined for a mental disorder, or to any alcoholic
5 unless any of the foregoing persons produces a certificate of a medical
6 doctor or psychiatrist licensed in New Jersey, or other satisfactory
7 proof, that he is no longer suffering from that particular disability in
8 such a manner that would interfere with or handicap him in the
9 handling of firearms; to any person who knowingly falsifies any
10 information on the application form for a handgun purchase permit or
11 firearms purchaser identification card;

12 (4) To any person under the age of 18 years for a firearms
13 purchaser identification card and to any person under the age of 21
14 years for a permit to purchase a handgun;

15 (5) To any person where the issuance would not be in the interest
16 of the public health, safety or welfare;

17 (6) To any person who is subject to a court order issued pursuant
18 to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person
19 from possessing any firearm; or

20 (7) To any person who as a juvenile was adjudicated delinquent for
21 an offense which, if committed by an adult, would constitute a crime
22 and the offense involved the unlawful use or possession of a [firearm]
23 weapon, explosive or destructive device ¹or is enumerated in
24 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2)¹.

25 d. Issuance. The chief of police of an organized full-time police
26 department of the municipality where the applicant resides or the
27 superintendent, in all other cases, shall upon application, issue to any
28 person qualified under the provisions of subsection c. of this section
29 a permit to purchase a handgun or a firearms purchaser identification
30 card.

31 Any person aggrieved by the denial of a permit or identification
32 card may request a hearing in the Superior Court of the county in
33 which he resides if he is a resident of New Jersey or in the Superior
34 Court of the county in which his application was filed if he is a
35 nonresident. The request for a hearing shall be made in writing within
36 30 days of the denial of the application for a permit or identification
37 card. The applicant shall serve a copy of his request for a hearing
38 upon the chief of police of the municipality in which he resides, if he
39 is a resident of New Jersey, and upon the superintendent in all cases.
40 The hearing shall be held and a record made thereof within 30 days of
41 the receipt of the application for such hearing by the judge of the
42 Superior Court. No formal pleading and no filing fee shall be required
43 as a preliminary to such hearing. Appeals from the results of such
44 hearing shall be in accordance with law.

45 e. Applications. Applications for permits to purchase a handgun
46 and for firearms purchaser identification cards shall be in the form

1 prescribed by the superintendent and shall set forth the name,
2 residence, place of business, age, date of birth, occupation, sex and
3 physical description, including distinguishing physical characteristics,
4 if any, of the applicant, and shall state whether the applicant is a
5 citizen, whether he is an alcoholic, habitual drunkard, drug dependent
6 person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether
7 he has ever been confined or committed to a mental institution or
8 hospital for treatment or observation of a mental or psychiatric
9 condition on a temporary, interim or permanent basis, giving the name
10 and location of the institution or hospital and the dates of such
11 confinement or commitment, whether he has been attended, treated or
12 observed by any doctor or psychiatrist or at any hospital or mental
13 institution on an inpatient or outpatient basis for any mental or
14 psychiatric condition, giving the name and location of the doctor,
15 psychiatrist, hospital or institution and the dates of such occurrence,
16 whether he presently or ever has been a member of any organization
17 which advocates or approves the commission of acts of force and
18 violence to overthrow the Government of the United States or of this
19 State, or which seeks to deny others their rights under the Constitution
20 of either the United States or the State of New Jersey, whether he has
21 ever been convicted of a crime or disorderly persons offense, whether
22 the person is subject to a court order issued pursuant to section 13 of
23 P.L.1991, c.261 (C.2C:25-29) prohibiting the person from possessing
24 any firearm, and such other information as the superintendent shall
25 deem necessary for the proper enforcement of this chapter. For the
26 purpose of complying with this subsection, the applicant shall waive
27 any statutory or other right of confidentiality relating to institutional
28 confinement. The application shall be signed by the applicant and shall
29 contain as references the names and addresses of two reputable
30 citizens personally acquainted with him. Application blanks shall be
31 obtainable from the superintendent, from any other officer authorized
32 to grant such permit or identification card, and from licensed retail
33 dealers.

34 The chief police officer or the superintendent shall obtain the
35 fingerprints of the applicant and shall have them compared with any
36 and all records of fingerprints in the municipality and county in which
37 the applicant resides and also the records of the State Bureau of
38 Identification and the Federal Bureau of Investigation, provided that
39 an applicant for a handgun purchase permit who possesses a valid
40 firearms purchaser identification card, or who has previously obtained
41 a handgun purchase permit from the same licensing authority for which
42 he was previously fingerprinted, and who provides other reasonably
43 satisfactory proof of his identity, need not be fingerprinted again;
44 however, the chief police officer or the superintendent shall proceed
45 to investigate the application to determine whether or not the applicant
46 has become subject to any of the disabilities set forth in this chapter.

1 f. Granting of permit or identification card; fee; term; renewal;
2 revocation. The application for the permit to purchase a handgun
3 together with a fee of \$2.00, or the application for the firearms
4 purchaser identification card together with a fee of \$5.00, shall be
5 delivered or forwarded to the licensing authority who shall investigate
6 the same and, unless good cause for the denial thereof appears, shall
7 grant the permit or the identification card, or both, if application has
8 been made therefor, within 30 days from the date of receipt of the
9 application for residents of this State and within 45 days for
10 nonresident applicants. A permit to purchase a handgun shall be valid
11 for a period of 90 days from the date of issuance and may be renewed
12 by the issuing authority for good cause for an additional 90 days. A
13 firearms purchaser identification card shall be valid until such time as
14 the holder becomes subject to any of the disabilities set forth in
15 subsection c. of this section, whereupon the card shall be void and
16 shall be returned within five days by the holder to the superintendent,
17 who shall then advise the licensing authority. Failure of the holder to
18 return the firearms purchaser identification card to the superintendent
19 within the said five days shall be an offense under section 2C:39-10a.
20 Any firearms purchaser identification card may be revoked by the
21 Superior Court of the county wherein the card was issued, after
22 hearing upon notice, upon a finding that the holder thereof no longer
23 qualifies for the issuance of such permit. The county prosecutor of
24 any county, the chief police officer of any municipality or any citizen
25 may apply to such court at any time for the revocation of such card.

26 There shall be no conditions or requirements added to the form or
27 content of the application, or required by the licensing authority for
28 the issuance of a permit or identification card, other than those that are
29 specifically set forth in this chapter.

30 g. Disposition of fees. All fees for permits shall be paid to the
31 State Treasury if the permit is issued by the superintendent, to the
32 municipality if issued by the chief of police, and to the county treasurer
33 if issued by the judge of the Superior Court.

34 h. Form of permit; quadruplicate; disposition of copies. The permit
35 shall be in the form prescribed by the superintendent and shall be
36 issued to the applicant in quadruplicate. Prior to the time he receives
37 the handgun from the seller, the applicant shall deliver to the seller the
38 permit in quadruplicate and the seller shall complete all of the
39 information required on the form. Within five days of the date of the
40 sale, the seller shall forward the original copy to the superintendent
41 and the second copy to the chief of police of the municipality in which
42 the purchaser resides, except that in a municipality having no chief of
43 police, such copy shall be forwarded to the superintendent. The third
44 copy shall then be returned to the purchaser with the pistol or revolver
45 and the fourth copy shall be kept by the seller as a permanent record.

1 i. Restriction on number of firearms person may purchase. Only
2 one handgun shall be purchased or delivered on each permit, but a
3 person shall not be restricted as to the number of rifles or shotguns he
4 may purchase, provided he possesses a valid firearms purchaser
5 identification card and provided further that he signs the certification
6 required in subsection b. of this section for each transaction.

7 j. Firearms passing to heirs or legatees. Notwithstanding any other
8 provision of this section concerning the transfer, receipt or acquisition
9 of a firearm, a permit to purchase or a firearms purchaser identification
10 card shall not be required for the passing of a firearm upon the death
11 of an owner thereof to his heir or legatee, whether the same be by
12 testamentary bequest or by the laws of intestacy. The person who
13 shall so receive, or acquire said firearm shall, however, be subject to
14 all other provisions of this chapter. If the heir or legatee of such
15 firearm does not qualify to possess or carry it, he may retain ownership
16 of the firearm for the purpose of sale for a period not exceeding 180
17 days, or for such further limited period as may be approved by the
18 chief law enforcement officer of the municipality in which the heir or
19 legatee resides or the superintendent, provided that such firearm is in
20 the custody of the chief law enforcement officer of the municipality or
21 the superintendent during such period.

22 k. Sawed-off shotguns. Nothing in this section shall be construed
23 to authorize the purchase or possession of any sawed-off shotgun.

24 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to the
25 sale or purchase of a visual distress signalling device approved by the
26 United States Coast Guard, solely for possession on a private or
27 commercial aircraft or any boat; provided, however, that no person
28 under the age of 18 years shall purchase nor shall any person sell to a
29 person under the age of 18 years such a visual distress signalling
30 device.

31 (cf: P.L.2001, c.3, s.1)

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33 2. This act shall take effect immediately.